

THE STATE OF OHIO, HAMILTON COUNTY

COURT OF COMMON PLEAS

STATE OF OHIO

Plaintiff

:

Case No. B 1304320

-vs-

PETER A. BECK and JOHN W. FUSSNER

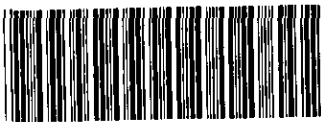
Defendants

PROSECUTING ATTORNEY'S REQUEST
FOR ISSUANCE OF SUMMONS
UPON INDICTMENT

TO THE CLERK OF THE COURT OF COMMON PLEAS:

PETER A. BECK and JOHN W. FUSSNER have been named a defendants in an indictment returned by the Grand Jury.

Pursuant to Rule 9, Ohio Rules of Criminal Procedure, the undersigned requests that you or a Deputy Clerk forthwith issue a summons to an appropriate officer and direct him to execute it upon the above-named defendants at the following address: Hamilton County Justice Center, or at any place within this State.



D102863634

By: _____

Matthew J. Donahue (#0079278)

Assistant Prosecuting Attorney

150 E. Gay St., 16th Floor

Columbus, OH 43215

THE STATE OF OHIO, HAMILTON COUNTY
COURT OF COMMON PLEAS

THE STATE OF OHIO

Case No. B 1304320

HAMILTON COUNTY, ss:

INDICTMENT FOR:

CT1: SECURITIES FRAUD
1707.44(B)(4)[F1]
CT2: SECURITIES FRAUD 1707.44(G)[F1]
CT3: SECURITIES FRAUD
1707.44(A)(1)[F1]
CT4: SECURITIES FRAUD
1707.44(C)(1)[F1]
CT5: SECURITIES FRAUD 1707.44(D)[F1]
CT6: SECURITIES FRAUD 1707.44(J)[F1]
CT7: THEFT 2913.02(A)(3)[F3]
CT8: THEFT 2913.02(A)(2)[F3]
CT9: SECURITIES FRAUD
1707.44(B)(4)[F1]
CT10: SECURITIES FRAUD 1707.44(G)[F1]
CT11: SECURITIES FRAUD
1707.44(A)(1)[F1]
CT12: SECURITIES FRAUD
1707.44(C)(1)[F1]
CT13: SECURITIES FRAUD 1707.44(D)[F1]
CT14: SECURITIES FRAUD 1707.44(J)[F1]
CT15: THEFT 2913.02(A)(3)[F3]
CT16: THEFT 2913.02(A)(2)[F3]

In the Court of Common Pleas, Hamilton County, Ohio, of the Grand Jury Term Two Thousand and Thirteen.

FIRST COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **PETER A. BECK, on or about the 22ND day of July in the year Two Thousand and Eight** at the County of Hamilton and State of Ohio aforesaid, **did knowingly make or cause**

to make a false representation concerning a material and relevant fact in an oral statement, and/or in any prospectus, circular, description, application, or written statement, for the purpose of selling any security in the State of Ohio, to wit: the sale of securities to John Doe 1, and the value of the funds or securities involved in the offense or loss to the victim is \$100,000.00 or more, in violation of Section 1707.44(B)(4) of the Ohio Revised Code and against the peace and dignity of the State of Ohio.

SECOND COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **PETER A. BECK, on or about the 22ND day of July in the year Two Thousand and Eight** at the County of Hamilton and State of Ohio aforesaid, **in selling securities did knowingly engage in any act or practice which, under Revised Code Chapter 1707, is declared illegal, defined as fraudulent, or prohibited, to wit: the sale of securities to John Doe 1, the value of the funds or securities involved in the offense or loss to the victim is \$100,000.00 or more,** in violation of Section 1707.44(G) of the Ohio Revised Code and against the peace and dignity of the State of Ohio.

THIRD COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **PETER A. BECK, on or about the 22ND day of July in the year Two Thousand and Eight** at the County of Hamilton and State of Ohio aforesaid, **did engage in any act or practice that violates division (A), (B) or (C) of Section 1707.14 of the Revised Code, to wit: an unlicensed dealer in the sale of securities to John Doe 1, the value of funds or securities involved in the offense or loss to the victim is \$100,000.00 or more,** in violation of Section 1707.44(A)(1) of the Ohio Revised Code and against the peace and dignity of the State of Ohio.

FOURTH COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **PETER A. BECK, on or about the 22ND day of July in the year Two Thousand and Eight** at the County of Hamilton and State of Ohio aforesaid, **did knowingly sell, cause to be sold, offer for sale, or cause to be offered for sale, any security which comes under any of the following descriptions: is not exempt under section 1707.02 of the Revised Code, not the subject matter of one of the transaction exempted in section 1707.03, 1707.04, or 1707.34 of the Revised Code, has not been registered by coordination or qualification, and is not the subject matter of a transaction that has been registered by description of the State of Ohio, to wit: the sale of securities to John Doe 1, the value of the funds or securities involved in the offense or loss to the victims is \$100,000.00 or more,** in violation of Section 1707.44(C)(1) of the Ohio Revised Code and against the peace and dignity of the State of Ohio.

FIFTH COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **PETER A. BECK, on or about the 22ND day of July in the year Two Thousand and Eight** at the County of Hamilton and State of Ohio aforesaid, **did as an officer or director of an issuer who knew or should have known such issuer to be insolvent in that the liabilities of the issues exceeded its assets, did sell securities for such issuer, without disclosing the fact of the insolvency to the purchaser to wit: the sale of securities to John Doe 1, the value of the frauds or securities involved in the offense or loss to the victim is \$100,000.00 or more,** in the violation of Section 1707.44 (D) of the Ohio Revised Code and against the peace and dignity of the State of Ohio.

SIXTH COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **PETER A. BECK, on or about the 22ND day of July in the year Two Thousand and Eight**, at the County of Hamilton and State of Ohio aforesaid, **did with purpose to deceive, make, issue, publish, or cause to be made, issued or published any statement or advertisement as to the value of securities or as to alleged facts affecting the value of securities, or as to the financial condition of any issuer of securities, when the person knew or should have known that the statement or advertisement was false in any material respect to wit: the sale of securities to John Doe 1, the value of the funds or securities involved in the offense or loss to the victim is \$100,000.00 or more**, in violation of Section 1707.44(J) of the Ohio Revised Code against the peace and dignity of the State of Ohio.

SEVENTH COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **PETER A. BECK, on or about the 22ND day of July in the year Two Thousand and Eight, with purpose to deprive the owner, John Doe 1, of property to wit: cash, checks, or other monies, did knowingly obtain or exert control over the said property by deception, the value of property or services being \$100,000.00 or more and less than \$500,000.00**, in violation of Section 2913.02(A)(3) of the Ohio Revised Code against the peace and dignity of the State of Ohio.

EIGHTH COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **PETER A. BECK, on or about the 22ND day of July in the year Two Thousand and Eight, with purpose to deprive the owner, John Doe 1, of property to wit: cash, checks, or other monies, did knowing obtain or exert control over the said property beyond the scope of the express or implied consent of the owner or person authorized to give consent, the value of property**

or services being \$100,000.00 or more and less and \$500,000.00, in violation of Section 2913.02(A)(2) of the Ohio Revised Code against the peace and dignity of the State of Ohio.

NINTH COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **PETER A. BECK and JOHN W. FUSSNER, on or about the 1ST day of August in the year Two Thousand and Eight**, at the County of Hamilton and State of Ohio aforesaid, **did knowingly make or cause to made a false representation concerning a material and relevant fact in an oral statement, and/or in any prospectus, circular, description, application, or written statement, for the purpose of selling any security in the State of Ohio, to wit: the sale of securities to John Does 2 and 3, the value of the funds or securities involved in the offense or loss to the victim is \$100,000.00 or more**, in violation of Section 1707.44(B)(4) of the Ohio Revised Code against the peace and dignity of the State of Ohio.

TENTH COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **PETER A. BECK and JOHN W. FUSSNER, on or about the 1ST day of August in the year Two Thousand and Eight**, at the County of Hamilton and State of Ohio aforesaid, **in selling securities did knowingly engage in any act or practice which, under Revised Code Chapter 1707, is declared illegal, defined as fraudulent, or prohibited, to wit: the sale of securities to John Does 2 and 3, the value of the funds or securities involved in the offense or loss to the victim is \$100,000.00**, in violation of Section 1707.44(G) of the Ohio Revised Code against the peace and dignity of the State of Ohio.

ELEVENTH COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **PETER A. BECK, on or about the 1ST day of August in the year Two Thousand and Eight**, at the County of Hamilton and State of Ohio aforesaid, **did engage in any act or practice that violates division (A), (B) or (C) of section 1707.14 of the Revised Code, to wit: unlicensed dealer in the sale of securities to John Does 2 and 3, the value of the funds or securities involved in the offense or loss to the victim is \$100,000.00 or more**, in violation of Section 1707.44(A)(1) of the Ohio Revised Code against the peace and dignity of the State of Ohio.

TWELFTH COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **PETER A. BECK and JOHN W. FUSSNER, on or about the 1ST day of August in the year Two Thousand and Eight**, at the County of Hamilton and State of Ohio aforesaid, **did knowingly sell, cause to be sold, offer for sale, or cause to be offered for sale, any security which comes under any of the following descriptions: is not exempt under section 1707.02 of the Revised Code, nor the subject matter of one of the transactions exempt in section 1707.03, 1707.04, or 1707.34 of the Revised Code, has not been registered by coordination or qualification, and is not the subject matter of a transaction that has been registered by description in the State of Ohio, to wit: the sale of securities to John Does 2 and 3, the value of the funds or securities involved in the offense or loss to the victim is \$100,000.00**, in violation of Section 1707.44(C)(1) of the Ohio Revised Code against the peace and dignity of the State of Ohio.

THIRTEENTH COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **PETER A. BECK and JOHN W. FUSSNER, on or about the 1ST day of August in the year Two Thousand and Eight**, at the County of Hamilton and State of Ohio aforesaid, did as officers or directors of an issuer who knew or should have known such issuer to be insolvent in that the liabilities of the issuer exceeded its assets, did sell securities for such issuer, without disclosing the fact of the insolvency to the purchasers to wit: the sale of securities to John Does 2 and 3, the value of the funds or securities involved in the offense or loss to the victim is \$100,000.00 or more, in violation of Section 1707.44(D) of the Ohio Revised Code against the peace and dignity of the State of Ohio.

FOURTEENTH COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **PETER A. BECK and JOHN W. FUSSNER, on or about the 1ST day of August in the year Two Thousand and Eight**, at the County of Hamilton and State of Ohio aforesaid, did with purpose to deceive, make, issue, publish, or cause to be made, issued, or published any statement or advertisement as to the value of securities, or as to alleged facts affecting the value of securities, or as to the financial condition of any issuer of securities, when the persons knew or should have known that the statement or advertisement was false in any material respect to wit: the sale of securities to John Does 2 and 3, the value of the funds or securities involved in the offense or loss to the victim is \$100,000.00, in violation of Section 1707.44(J) of the Ohio Revised Code against the peace and dignity of the State of Ohio.

FIFTEENTH COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **PETER A. BECK and JOHN W. FUSSNER, on or about the 1ST day of August in the year Two Thousand and Eight**, at the County of Hamilton and State of Ohio aforesaid, **with purpose to deprive the owners, John Does 2 and 3, of property, to wit: cash, checks or other monies, did knowingly obtain or exert control over said property by deception, the value of the property or services being \$100,000.00 or more and less than \$500,000.00**, in violation of Section 2913.02 (A)(3) of the Ohio Revised Code against the peace and dignity of the State of Ohio.

SIXTEENTH COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **PETER A. BECK and JOHN W. FUSSNER, on or about the 1ST day of August in the year Two Thousand and Eight**, at the County of Hamilton and State of Ohio aforesaid, **with purpose to deprive the owners, John Does 2 and 3, of property, to wit: cash, checks or other monies, did knowingly obtain or exert control over said property beyond the scope of the express or implied consent of the owner or person authorized to give consent, the value of the property or services being \$100,000.00 or more and less than \$500,000.00**, in violation of Section 2913.02(A)(2) of the Ohio Revised Code against the peace and dignity of the State of Ohio.

Reported and filed this

19 day of July, A.D. 2013

By: **Tracy Winkler**
Clerk of Hamilton County
Common Pleas

By: Jay Stockman
Deputy

By: Matthew J. Donahue
Matthew J. Donahue (#0079278)
Assistant Prosecuting Attorney

A TRUE BILL

By: Rep. A. M. Ray
Foreperson, Grand Jury